

## **Antidegradation Issues Outline**

1. How many Tiers?
  - A. Tier 1
    - 1) Support – Federal requirements
    - 2) Outstanding Issues – None.
    - 3) Status – Settled.
  - B. Tier 2
    - 1) Support – GLI language, WQAG guidance.
    - 2) Outstanding Issues –
      - a. How to determine “necessary” part of Tier II language
      - b. How to determine “social or economic” part of Tier II language
      - c. How to determine if water is “high quality”
      - d. Should there be a “de minimus” and what should it be
    - 3) Status – To be determined
  - C. Tier 2.5 (Exceptional Use)
    - 1) Support – SEA 431 parameters
    - 2) Outstanding Issues –
      - a. Will this designation remain?
      - b. What will be antideg restrictions if it does remain?
      - c. Will there be “de minimus”?
      - d. Will it require “environmental improvement”?
    - 3) Status – To be determined
  - D. Tier 2.9 (OSRW)
    - 1) Support – SEA 431 requirements
    - 2) Outstanding Issues –
      - a. How to implement 431 requirements
      - b. Development of criteria to determine eligibility for designation
    - 3) Status – To be determined
  - E. Tier 3 (ONRW)
    - 1) Support – Federal requirements.
    - 2) Outstanding Issues – I am not sure there are any
    - 3) Status – Decided?
2. Qualifications to get into a Tier
  - A. Tier 1
    - 1) What is required – Not be an impaired water
    - 2) Outstanding Issues – None?
    - 3) Status – Decided?
  - B. Tier 2
    - 1) What is required – Water quality that is above criterion
    - 2) Outstanding Issues –
      - a. How to determine “existing water quality” is above criterion
      - b. What is the “existing water quality”?
    - 3) Status – Not finalized WQAG recommendations

- C. Tier 2.5 (Exceptional Use)
    - 1) What is required – Will this category remain?
    - 2) Outstanding Issues --
    - 3) Status –
  - D. Tier 2.9 (OSRW)
    - 1) What is required – SEA 431 requirements
    - 2) Outstanding Issues – Development of criteria to evaluate waters for potential to be OSRW
    - 3) Status – Undecided
    - 4) OSRW petition process
  - E. Tier 3 (ONRW)
    - 1) What is required – federal Guidance
    - 2) Outstanding Issues – None?
    - 3) Status – Decided?
3. Once in a Tier
- A. Tier 1
    - 1) What can be done to the water – Cannot go below WQ criteria
    - 2) Outstanding Issues –None?
    - 3) Status – Decided?
  - B. Tier 2
    - 1) What can be done to the water –See issues above
    - 2) Outstanding Issues --
    - 3) Status –
  - C. Tier 2.5 (Exceptional Use)
    - 1) What can be done to the water –See issues above
    - 2) Outstanding Issues --
    - 3) Status –
  - D. Tier 2.9 (OSRW)
    - 1) What can be done to the water – See issues above
    - 2) Outstanding Issues --
    - 3) Status –
  - E. Tier 3 (ONRW)
    - 1) What can be done to the water –Federal requirements
    - 2) Outstanding Issues – None?
    - 3) Status – Decided?
4. Other Outstanding Issues
- A. GLI or statewide
  - B. BCC vs. non BCC
  - C. Conservative vs. nonconservative
  - D. Point Source vs. nonpoint source